

AGENDA ITEM



CITY OF LODI COUNCIL COMMUNICATION

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AGENDA TITLE: Approval of Expenses Incurred by Outside Counsel/Consultants Relative to the Environmental Abatement Program Litigation and Various Other Cases being Handled by Outside Counsel (\$142,249.57), and Approval of Special Allocation Covering General Litigation Matter Expenses (\$3,176.04).

MEETING DATE: February 15, 2006 City Council Meeting

PREPARED BY: City Attorney's Office

RECOMMENDED ACTION: That the City Council approve for payment expenses incurred by outside Counsel/Consultants related to the Environmental Abatement Litigation and various other cases being handled by Outside Counsel in the total amount of \$142,249.57, and approve Special Allocation for General Litigation Matter Expenses in the amount of \$3,176.04 to be paid from the General Fund.

BACKGROUND INFORMATION: Listed below are invoices from the City's outside counsel, Folger, Levin & Kahn. Kronick, Moskovitz, Tiedemann & Girard and JAMS for services incurred relative to the Environmental Abatement Program litigation and various other cases that are currently outstanding and need to be considered for payment. A Special Allocation is required for those matters that are not to be paid out of the Water account (\$3,176.04). Deductions from the invoices are reflected in parenthesis.

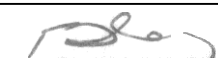
Folger Levin & Kahn - Invoices Distribution

Matter No.	Invoice No.	Date	Description	Total Amount
8001	92662	12/31/2005	General Advice/Environmental Matters	\$325.00
8002	92660	12/31/05	People v M&P Investments	5,927.79
8003	92663	12/31/05	Hartford Insurance Coverage Litigation	81,925.39 (1,875.00)
8008	92664	12/31/05	Envision Law Group	29,751.82 (630.00)
				<u>\$115,425.00</u>

Folger Levin & Kahn - Invoices Distribution

Matter No.	Invoice No.	Date	Description	Total Amount
		12/30/05	Peter Krasnoff, Expert	<u>\$14,480.00</u>
		Nov-Dec05	Keith O'Brien, Hydrogeologist	<u>\$7,505.00</u>
				<u>\$21,985.00</u>

APPROVED:


Blair King, City Manager

Kronick Moskowitz Tiedemann & Girard - Invoices **Distribution**

Matter No.	Invoice No.	Date	Description	Total	Distribution	
				Amount	100351.7323	183453.7323
11233.001	223611	01/25/06	General advice	140.00	140.00	
11233.016	223611	01/25/06	Hartford Litigation	38.00		38.00
11233.026	223611	01/25/06	Lodi First v. City of Lodi	1,915.70	1,915.70	
11233.027	223611	01/25/06	Citizens for Open Gov't.v.Col	1,120.34	1,120.34	
				3,214.04	3,176.04	38.00

JAMS

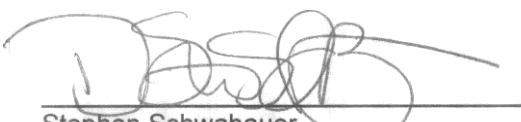
Invoice No.	Date	Description	Total Amount	Distribution
00001093881-110	2005	Mediation Services (M&P)	\$1,112.75	\$1,112.75
00001075797-110	2005	Mediation Services (M&P)	\$ 421.36	5 421.36
00001069804-110	2005	Credit Memo	(\$ 405.44)	(\$ 405.44)
TOTAL			\$1,128.87	\$1,128.67

JAMS

Invoice No.	Date	Description	Total Amount	Distribution
00001107903-110	2006	Mediation Services (M&P)	\$ 496.86	\$ 496.86

FISCAL IMPACT: Expenses in the amount of \$3,036.04 will be paid out of the General Fund and billed to Walmart for City's defense of the Lodi First and Citizens for Open Gov't. litigation.

FUNDING AVAILABLE: Water \$ 139,073.53
 General Fund \$ 3,176.04


 Stephen Schwabauer
 City Attorney

Approved:


 Ruby Paiste, Interim Finance Director

PCE/TCE Litigation
6-Month Budget Recap (July - December 2005)

DECEMBER

Matter	6-Month Budget'	Opening Balance for 6-Month Budget	One Month Amount	Amount Billed December**	Variance from Monthly Amount	Remainder 6-Month Budget	Cumulative Billed In 6-Mo. Budget Period
M&P, Related Cases includes matters 8001,8002,8004, 8005	\$ 760,000	\$ 615,502	\$ 126,667	\$6,253	-\$120,414	\$ 609,249	\$150,751
Hartford Action 8003	\$ 260,000	\$ 196,343	\$ 43,333	\$81,925	\$38,592	\$ 114,417	\$145,583
Fireman's Fund Action 8006	\$ 110,000	\$ 72,903	\$ 18,333	\$0	-\$18,333	\$ 72,903	\$37,097
RWQCB Matters 8007	\$ 150,000	\$ 150,000	\$ 25,000	\$0	-\$25,000	\$ 150,000	\$0
Envision Claims 8008	\$ 820,000	\$ 551,157	\$ 136,667	\$29,752	-\$106,915	\$ 521,405	\$298,595
Totals	\$ 2,100,000	\$1,585,904	\$ 350,000	\$117,930	-\$232,070	\$1,467,974	\$632,026

'Approved by City Council at the midpoint of \$2.1 million.

**Invoices dated January 12,2006 for period December 1 through December 31,2005

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